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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,709	07/24/2001	Chang Kwon Lee	P-0236	1806

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FLESHNER & KIM, LLP  
P.O. BOX 221200  
CHANTILLY, VA 20153

EXAMINER
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ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/910,709

Applicant(s)

LEE ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 21, 23-26, 30, 33-37 and 39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wendelrup, U.S. Patent Application Publication No. 2002/0023099 (hereinafter Wendelrup).

Regarding claim 30, Wendelrup discloses a method of transmitting a compressed digital data file comprising:

identifying a receiver (see Figure 2);

selecting a compressed data file from a compressed data file list (see Figures 4 and 5); and

Art Unit: 2645

transmitting data for identifying and the selected compressed data file to a receiver terminal, the data for identifying having a file information of the compressed digital data (paragraphs 0029, 0034, 0039 and 0040).

Regarding claim 37, Wendelrup discloses a digital data terminal (2) comprising:

a compression digital unit to provide compressed digital data (paragraph 0025);

a memory to store compressed digital data (unit 10, 6, 8 or 12 from Figure 1);

a wireless transmitting/receiving unit to transmit and receive digital data (paragraphs 0006-0009);

a controller to control a flow of digital data, wherein the controller determines whether received digital data includes recognition data to recognize a compressed data file (see Figures 4 and 5).

Regarding claim 21, Wendelrup discloses a method for transmitting a compressed digital data file (paragraph 0025) comprising:

providing an input window for inputting information of a receiver (18);

Art Unit: 2645

providing a stored compressed data file list to allow the receiver to select a compressed digital data file to be transmitted (Figures 4 and 5);

combining the input receiver information and data information for identifying the selected compressed digital data file and transmitting the combined information to a receiver terminal (paragraphs 0039 and 0040);

determining a transmission path of the selected compressed data file according to a state of the receiver terminal (paragraph 0034).

Regarding claim 23, see paragraph 0034.

Regarding claim 24, see Figure 3.

Regarding claim 25, see paragraph 0034.

Regarding claim 26, see paragraph 0034.

Regarding claim 33, see paragraph 0034.

Regarding claim 34, see paragraph 0034.

Regarding claim 35, see paragraph 0034.

Regarding claim 36, see paragraph 0034.

Regarding claim 39, see paragraphs 0034 and 0025.

Regarding claim 40, see Figures 2 and 3.

Art Unit: 2645

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wendelrup in view of Kim, U.S. Patent Application Publication No. 2004/0110545 (hereinafter Kim).

Regarding claim 27, Wendelrup discloses a digital data transmitting/receiving terminal (2) comprising:

a display unit for outputting visual digital data (18);

a compressed digital data outputting unit for outputting compressed digital data (paragraph 0025);

an input device for generating input digital data according to a user's input command (see Figures 2 and 3);

a memory for storing digital data (unit 10, 6, 8 or 12 from Figure 1);

a wireless transmitting/receiving unit for transmitting and receiving digital data (paragraph 0024);

Art Unit: 2645

a controller for controlling flow of the digital data, wherein the controller includes a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data having a file information of the compressed digital data (see Figures 4 and 5).

With further respect to claim 27, Wendelrup does not explicitly teach the input device is a key pad. However Kim discloses this limitation (see Figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wendelrup with the key pad taught by Kim. This modification would have improved the ergonomics of Wendelrup by allowing the user to operate the phone in a conventional manner as suggested by Kim (paragraph 0011).

5. Claims 22, 31 and 38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wendelrup in view of Fell et al, U.S. Patent Application Publication No. 2004/0092251 (hereinafter Fell).

With respect to claim 22, Wendelrup teaches the data information for identifying includes a synchronization code

Art Unit: 2645

informing transmission of the compressed digital data file and a type, and name of the data file (see Figures 4 and 5). Wendelrup does not explicitly teach the recognition data includes the capacity of the file. However Fell discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wendelrup wherein the recognition data includes the capacity of the file as taught by Fell. This modification would have modernized Wendelrup by allowing a customer to specify delivery instructions as suggested by Fell.

Claim 31 is rejected for the same reasons as claim 22.

Claim 38 is rejected for the same reasons as claim 22.

6. Claims 28 and 29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wendelrup combined with Kim in view of Fell.

With respect to claim 28, Wendelrup combined with Kim teaches the recognition data includes a synchronization code informing transmission of the compressed digital data file and a type, and name of the data file (see Figures 4 and 5 from Wendelrup). The combination of Wendelrup and Kim does not explicitly teach the recognition data includes the capacity of the file. However Fell discloses this limitation (see Figure 3).



Art Unit: 2645

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wendelrup and Kim wherein the recognition data includes the capacity of the file as taught by Fell. This modification would have modernized the system by allowing a customer to specify delivery instructions as suggested by Fell.

Regarding claim 29, see paragraphs 0034 and 0025 of Wendelrup.

#### ***Response to Arguments***

7. Applicant argues Wendelrup does not teach the claimed combining and transmitting limitations. Examiner respectfully disagrees. Wendelrup teaches displaying a list of MP3 files and then selecting one of these files for transmission (see Figure 4). The user-selected file reads on the claimed input receiver information, while the MP3 file name is functionally equivalent to the claimed data information for identifying the selected compressed digital data file. Because Wendelrup teaches the user-selected file and the MP3 file name are sent to the terminal, Wendelrup teaches the claimed combining and transmitting limitations.

Applicant also disputes Wendelrup does not teach the claimed determining limitation. However Wendelrup teaches

Art Unit: 2645

selecting a storage location (10, 6, 8 12 and 4) based on its availability (paragraph 0034). Therefore Wendelrup discloses the claimed determining limitation.

Applicant further contends Wendelrup does not show the claimed controller and discriminating function. Examiner respectfully disagrees. Because Wendelrup is able to recognize and differentiate between various MP3 file names, Wendelrup teaches the claimed controller. Should Applicant insist on asserting that Wendelrup does not teach the claimed controller, Examiner request that Applicant point out the portion of Applicant's disclosure that details the claimed controller and discriminating function.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned


Art Unit: 2645

are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
April 26, 2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600